

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COPY

PATRICK CARIOU,

Plaintiff,

- against -

RICHARD PRINCE, GAGOSIAN GALLERY, INC.
LAWRENCE GAGOSIAN and RIZZOLI INTERNATIONAL
PUBLICATIONS, INC.,

Defendants.

DEPOSITION UPON ORAL EXAMINATION of
Non-Party Witness, NANCYSCANS CORP. by JOHN OLSON, Chief
Executive Officer, held pursuant to Notice of Examination on
the 16th day of November 2009 at 2:05 P. M. at the offices of
SONYA DEL PERAL, ESQ., 22 Park Row, Chatham, New York 12037
before CHARLES E. M. JOHNSON, a Court Reporter and Notary
Public in the State of New York.

Valley Reporting Service, Inc.
115 Green Street
Kingston, New York 12401
(845) 331-4020

JOHN OLSON

Q. Mr. Olson, are you familiar with ink jet or ink jetted?

A. Yes.

Q. What is ink jet or ink jetted? What does that term mean?

A. It's a technology.

Q. Can you describe what that technology involves?

A. It's ink being placed on a substrate to reproduce the data that resides in a digital file.

Q. Did you employ ink jet technology in connection with the Canal Zone project?

A. Yes.

Q. Can you explain how one, in layman's terms, if it's possible, performs ink jetting on, for example, a photograph that you receive.

MR. HAYES: Objection to the form.

MS. BART: Objection to the form.

MS. PERAL: Objection to the form.

BY MR. BODEN: (Continued.)

Q. Do you understand the question?

A. Can you rephrase?

Q. Sure I will. By way of a hypothetical -- it might be easiest -- if NancyScans received a hard copy

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2 photograph, and the instructions from the photographer
3 are to print or rather copy and print, this photograph,
4 is it possible to employ ink jet technology in order to
5 achieve that instruction?

6 A. Yes.

7 Q. And how would one do that?

8 A. If you receive a digital file, you feed that digital
9 file to an ink jet printer, and the technology
10 transforms that digital information onto a substrate
11 with a head that squirts ink in different colors or
12 gradations of gray onto paper or canvas.

13 Q. All right. Now, if you were to receive an original --
14 and the same hypothetical -- if you were to receive an
15 original document -- but it was a hard copy, in order to
16 achieve what you have just described, you would have to
17 create some electronic form of that hard copy; is that
18 correct?

19 A. Yes.

20 Q. And how would you do that?

21 A. I would scan it.

22 Q. Is that process that you just described in general terms
23 what you did for Mr. Prince in connection with the Canal

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2 Zone project?

3 A. Yes.

4 Q. He would send you hard copies, and NancyScans would scan
5 them, and then employing an ink jet process would print
6 them?

7 MR. HAYES: Objection to the form.

8 MS. BART: Join.

9 THE WITNESS: Yes.

10 BY MR. BODEN: (Continued.)

11 Q. Now, we're going to get to the documents here that were
12 produced, that you photocopied, in response to the
13 subpoena.

14 But I want to ask whether you're familiar
15 with, as you sit here today, some of the documents that
16 were sent to you by hard copy from Mr. Prince.

17 Specifically, do you recall seeing images of
18 Rastafarian men?

19 MS. BART: Objection to the form.

20 MR. HAYES: Objection to form.

21 MS. PERAL: Objection to the form.

22 THE WITNESS: I recall Rastafarians.

23 BY MR. BODEN: (Continued.)

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2 Were you also asked to enlarge some of these
3 images to specific size dimensions --

4 A. Yes.

5 MS. BART: Objection to the form.

6 Q. -- in connection with the Canal Zone project?

7 A. Yes.

8 Q. How would you know what size to enlarge images to?

9 A. By following the instructions that we received.

10 Q. You don't remember what the instructions, the exact
11 instructions, were?

12 A. Yes.

13 Q. Do you know whether it was a verbal instruction or
14 whether it was a written instruction?

15 A. Any instructions we received were either verbal or on
16 occasion written on an envelope we would receive work
17 in.

18 Q. Do you know who the author of the written instructions
19 on the envelope is?

20 A. No, I don't.

21 Q. Do you know who gave verbal instructions?

22 A. No, I don't.

23 Q. Did you ever receive verbal instructions, if you can